IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.25287 of 2003

Between:

Mohammed Ali Ahmed @ Mujeeb S/o. Late Mohd.Ali Asad,
R/o.19-5-9/48, Bahadurpura, Hyderabad.

..... PETITIONER

AND

1 The Superintendent of Police, R.R.District, Lakdikapool, Hyderabad.
2 The Commissioner of Police, Cyberabad, Lakdikapool, Hyderabad.
3 Additional Deputy Commissioner of Police, Cyberabad, Lakdikapool,

Hyderabad.
4 Assistant Commissioner of Police, Saroornagar.
5 Sri P.Satyanarayana, Sub Inspector of Police, Vanasthalipuram

Police Station, Vanasthalipuram, R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction and more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 5th Respondent in seizing the Petitioner's Bajaj Chetak Scooter bearing No. AP.12.D.4391 his driving license, two cell phones, etc. and harassing the Petitioner without any case against him, as illegal, arbitrary, high-handed, violative of Fundamental Rights guaranteed under the Constitution of India; and consequently direct the 5th Respondent to act in accordance with law with the Petitioner and to return the articles seized from him.

Counsel for the Petitioner: MR.MOHD. VASI AHMED

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

Counsel for the Respondent No.5: SMT.S.K.RATNA

The Court made the following:

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ORDER:

The petitioner invokes the jurisdiction of this Court under Article 226 of Constitution of India seeking declaration that the action of the fifth respondent in seizing the petitioner's Bajaj Chetak Scooter bearing No.AP-12/D-4391 and two cell phones is illegal and arbitrary. He also seeks a consequential direction to the fifth respondent to release the scooter and cell phones.

Though the interlocutory application is listed today, the matter was heard finally and disposed of by this order.

The fourth respondent filed a counter affidavit opposing the writ petition. It is stated that the movable property of the petitioner was seized in connection with Crime No.607 of 2003 of P.S. Vanasthalipuram and that petitioner is also involved in the offence. It is further stated that the petitioner is made an accused in the said crime on 10.11.2003.

The counter averments are not denied by filing reply affidavit. Therefore, when the property of the petitioner is seized, as he is involved in the crime, writ petition would not lie. Even otherwise, if the property seized from the petitioner is not connected with crime No.607 of 2003, it shall be open to the petitioner to move competent criminal Court under Section 452 of Code of Criminal procedure, 1973 (Cr.PC) for release of the property. The writ petition is not maintainable.

The writ petition, with the above observations, is dismissed.

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July 11, 2005. (**V.V.S.RAO,J**)

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To

1 The Superintendent of Police, R.R.District, Lakdikapool, Hyderabad.
2 The Commissioner of Police, Cyberabad, Lakdikapool, Hyderabad.
3 The Additional Deputy Commissioner of Police, Cyberabad,

Lakdikapool, Hyderabad.
4 The Assistant Commissioner of Police, Saroornagar.
5 The Sub Inspector of Police, Vanasthalipuram

Police Station, Vanasthalipuram, R.R.Dist.

6 Two CCs to the Government Pleader for Home, High Court

Buildings, Hyderabad. (OUT)

7 Two C.D.Copies.